

**Zoning Ordinance Approval
CITY OF AUSTIN**



RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 56

AGENDA DATE: Thu 06/09/2005

PAGE: 1 of 1

SUBJECT: C14-05-0035 - Burns - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3101-3105 West Howard Lane (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on May 19, 2005. Vote: 6-0, Council Member Thomas off the dais. Applicant: Dot's Tot's (Jerald Jackson Burns). Agent: Gregory L. Smith. City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0035

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 3101-3105 West Howard Lane from GO, General Office District, zoning to GR-CO, Community Commercial-Conditional Overlay District, zoning.

Conditions met as follows:

- 1) Limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

The ordinance reflects those conditions imposed by Council on 1st reading.

PROPERTY OWNER: Dot's Tot's (Jerald Jackson Burns)

AGENT: Gregory L. Smith

DEPARTMENT COMMENTS:

The property in question has been developed with a day care facility for seven years. This area was annexed by the City of Austin on December 20, 1984. There are apartments to the north of the site, across W. Howard Lane, and an office to the east, across Ida Ridge Drive. This tract of land is located adjacent to an existing retail center that fronts Burnet Road (FM 1325) to the west. The applicant is requesting to rezone the property because they would like to sell the land for future commercial use.

The site under consideration is within the North Lamar Area Study, which was adopted by the City of Austin in 1985. The North Lamar Area Study Future Land Use Plan calls for office uses at this location (North Lamar Area Study-Map 4, page 16). However, the study also recommended office (GO) land uses for the properties to the south of this tract, which are currently zoned CS-CO.

The staff recommends GR-CO zoning for the property because this tract of land is located adjacent to existing GR commercial uses to the east and CS-CO zoning to the south. The property meets the purpose statement for the GR, Community Commercial, district because it fronts onto and takes access from West Howard Lane, a major arterial roadway. There are commercial uses to the west and office and industrial uses to the east of this site. Across West Howard Lane to the north, there are multifamily and industrial uses.

The applicant agrees with Council's action on first reading.

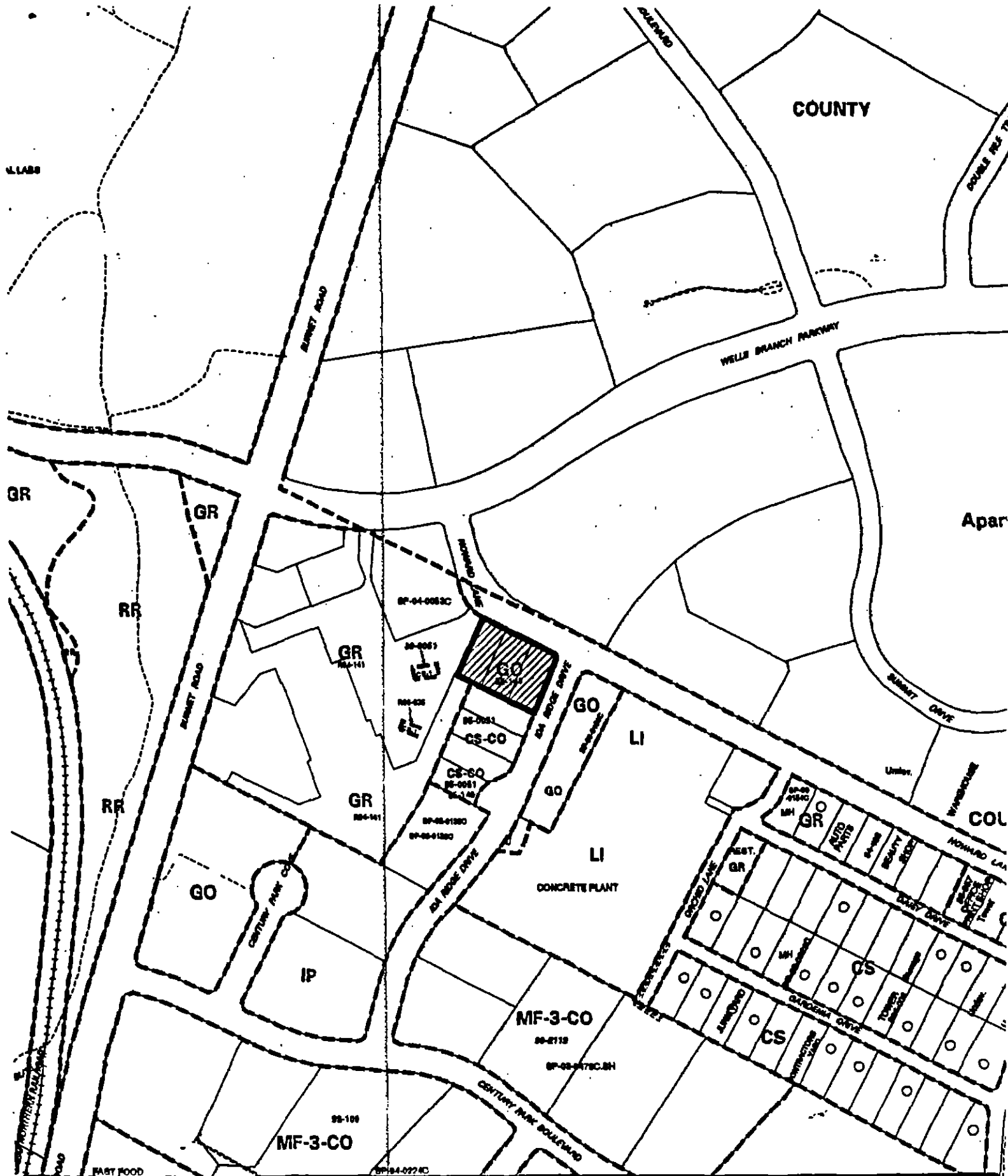
DATE OF FIRST READING/VOTE: May 19, 2005/Approved GR-CO (6-0; Thomas-off dias); 1st reading

CITY COUNCIL DATE: June 9, 2005

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER L37
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0035	DATE: 05-03	
	CASE MGR: S. GAGER	ADDRESS: 3101-3105 W HOWARD LANE	INTLS: SM	
SUBJECT AREA (acres): 1.200				

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3101-3105 WEST HOWARD LANE FROM GENERAL OFFICE (GO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general office (GO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-05-0035, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1-3 of King's Village Section 3 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 66, Page 397 of the Plat Records of Travis County, Texas (the "Property"),

locally known as 3101-3105 West Howard Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2005.

2
3 **PASSED AND APPROVED**

4
5
6 _____, 2005

7 §
8 §
9 §

10 Will Wynn
11 Mayor

12 **APPROVED:**

13 David Allan Smith
14 City Attorney

15 **ATTEST:**

Shirley A. Brown
City Clerk

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0035

Z.A.P. DATE: April 19, 2005

ADDRESS: 3101 – 3105 West Howard Lane

OWNER/APPLICANT: Dot's Tot's (Jerald Jackson Burns)

AGENT: Gregory L. Smith

ZONING FROM: GO

TO: GR

AREA: 1.20 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant GR-CO, Community Commercial – Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

4/19/05: Approved staff's recommendation of GR-CO by consent (7-0, C. Hammond, K. Jackson-absent); J. Martinez-1st, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The property in question has been developed with a day care facility for seven years. This area was annexed by the City of Austin on December 20, 1984. There are apartments to the north of the site, across W. Howard Lane, and an office to the east, across Ida Ridge Drive. This tract of land is located adjacent to an existing retail center that fronts Burnet Road (FM 1325) to the west. The applicant is requesting to rezone the property because they would like to sell the land for future commercial use.

The site under consideration is within the North Lamar Area Study, which was adopted by the City of Austin in 1985. The North Lamar Area Study Future Land Use Plan calls for office uses at this location (North Lamar Area Study-Map 4, page 16). However, the study also recommended office (GO) land uses for the properties to the south of this tract, which are currently zoned CS-CO.

The staff recommends GR-CO zoning for the property because this tract of land is located adjacent to existing GR commercial uses to the east and CS-CO zoning to the south. The property meets the purpose statement for the GR, Community Commercial, district because it fronts onto and takes access from West Howard Lane, a major arterial roadway. There are commercial uses to the west and office and industrial uses to the east of this site. Across West Howard Lane to the north, there are multifamily and industrial uses.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Day Care Facility
<i>North</i>	County	Multi-family/Apartments
<i>South</i>	CS-CO	Undeveloped
<i>East</i>	GO	Office (Ensoft, Inc. Engineering Software)
<i>West</i>	GR	Retail Center (Mc Donald's, Taco Bell, HEB, Walgreen's, etc.)

AREA STUDY: North Lamar Area Study**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

64 - River Oaks Lakes Estates Neighborhood Association

114 - North Growth Corridor Alliance

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0188	GO to GR	4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0)	3/4/04: Granted GR zoning (6-0, McCracken-absent); all 3 readings
C14-03-0181	GR to CS-1	2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0)	3/4/04: Granted CS-1-CO (6-0, McCracken-absent); all 3 readings
C14-00-2112	IP to MF-3	9/19/00: Approved staff alt. rec. of MF-3-CO by consent (9-0)	10/26/00: Approved MF-3-CO on 1 st reading (7-0) 12/7/00: Approved MF-3-CO (7-0); 2 nd /3 rd readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-97-0094	CS to CS-MU	8/26/97: Approved CS-MU (9-0)	9/4/97: Approved CS-MU (5-0); all 3 readings
C14-93-0068	R&D, LR to SF-6, MF-1	8/31/93: Approved SF-6-CO, MF-1, and RR (7-0)	10/7/93: Approved SF-6-CO, MF-1, and RR; 1 st reading 12/16/93: Approved SF-6-CO, MF-1, and RR (6-0); 2 nd /3 rd readings
C14-92-0108	IP to MF-3	11/24/92:	12/3/92: Approved MF-3 (6-0-1, RR-abstain); 1 st reading

			4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 nd reading 4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 rd reading
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RELATED CASES: C14-85-149 (North Lamar Area Study)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
W. Howard Lane	96'	55'	Arterial	No	No	No
Ida Ridge Dr.	90'	2 @ 24'	Collector	No	No	No

CITY COUNCIL DATE: May 19, 2005

ACTION: Approved GR-CO (6-0; Thomas-off dias); 1st reading

June 9, 2005

ACTION:

ORDINANCE READINGS: 1st 5/19/05

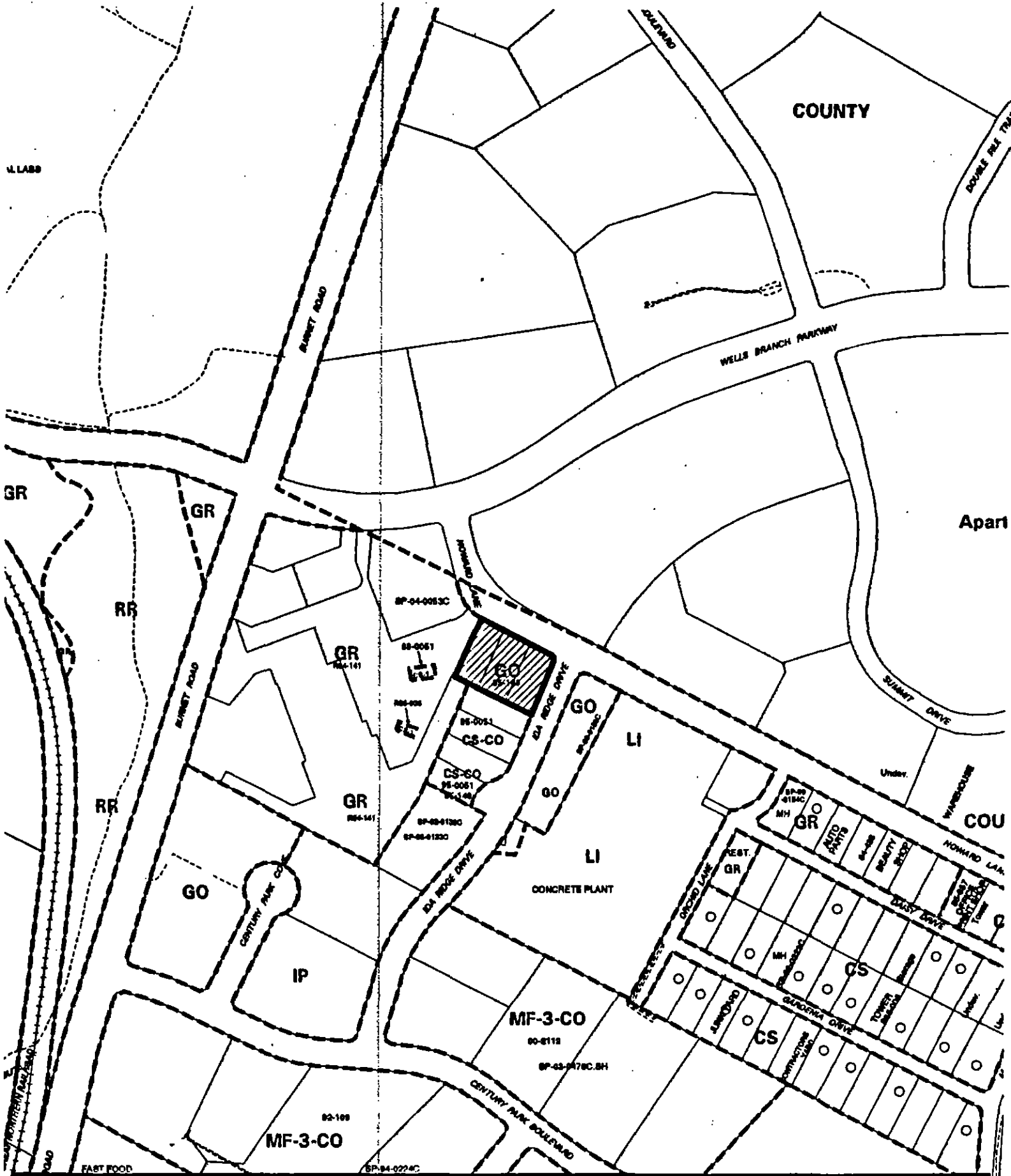
2nd





3rd

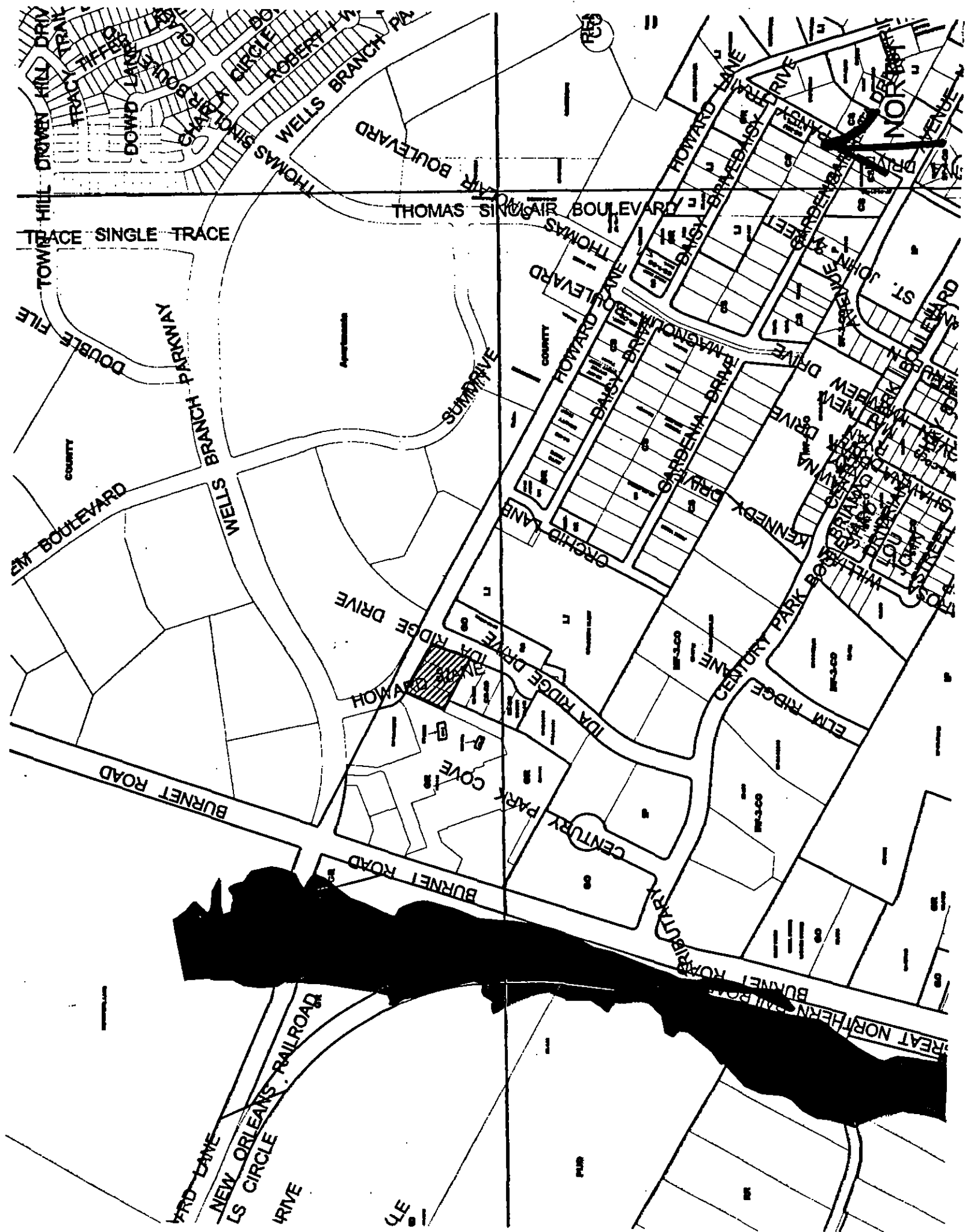
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-05-0035 ADDRESS: 3101-3105 W HOWARD LANE SUBJECT AREA (acres): 1.200		DATE: 05-03 INTLS: SM	CITY GRID REFERENCE NUMBER L37
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR: S. GAGER				





STAFF RECOMMENDATION

The staff recommendation is to grant GR-CO, Community Commercial – Conditional Overlay district, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property in question fronts onto and will take access from a major arterial roadway, Howard Lane.

2. *The proposed zoning should promote consistency, and orderly planning.*

The site under consideration is located adjacent to existing GR and CS-CO zoning. There are commercial uses to the west and office and industrial uses to the east. Across Howard Lane to the north, there are multifamily and industrial uses.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR-CO zoning district would allow for a fair and reasonable use of the site because it will allow for Community Commercial uses to be developed one block away from the intersection of the expanding FM 1325 (Burnet Road) and Wells Branch Parkway. The proposed commercial uses will serve the multifamily residential areas to the north and the Scofield Farms residential development to the south, along Scofield Ridge Parkway.

EXISTING CONDITIONS

Site Characteristics

The site in question is developed with a day care facility.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%

Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time for W. Howard Lane or Ida Ridge Drive.

The trip generation under the requested zoning is estimated to be 4,455 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
W. Howard Lane	96'	55'	Arterial	No	No	No
Ida Ridge Dr.	90'	2 @ 24'	Collector	No	No	No

Right of Way

No comment.

Water and Wastewater

- The landowner intends to serve the site with water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, utility adjustment to serve the site, each lot and land use. The water and wastewater utility system must be in accordance with the City design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The utility construction must be inspected by the City.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

The property is not subject to compatibility standards.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved.

**MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE**



- 13. Rezoning:** C14-05-0036 - Pioneer Farms
Location: 11418 Sprinkle Cutoff, Walnut Creek Watershed
Owner/Applicant: Heritage Society of Austin (Mike Ward)
Agent: City of Austin NPZD (Robert Heil)
Request: DR, DR-H to P, P-H
Staff Rec.: RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR P, P-H ZONING; BY CONSENT.
[J.M; M.W 2ND] (6-0-1) B.B - ABSTAINED; K.J; C.H - ABSENT

- 14. Rezoning:** C14-05-0037 - Hearthsides (SMART Housing)
Location: 7101 IH-35 North, Waller Creek Watershed
Owner/Applicant: Austin CSAL, L.P. (Todd Dobson)
Agent: Foundation Communities (Walter Moreau)
Request: LI and CS to CS-MU
Staff Rec.: RECOMMENDED
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR CS-MU ZONING; BY CONSENT.
[J.M; M.W 2ND] (7-0) K.J; C.H- ABSENT

- 15. Rezoning:** C14-05-0035 - Burns Zoning Change
Location: 3101- 3105 West Howard Lane, Walnut Creek Watershed
Owner/Applicant: Dot's Tot's (Jerald Jackson Burns)
Agent: Gregory L. Smith
Request: GO to GR
Staff Rec.: ALTERNATE RECOMMENDATION: GR-CO
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR GR-CO ZONING; BY CONSENT.
[J.M; M.W 2ND] (7-0) K.J; C.H - ABSENT